

of Justice Clearance Officer of your intent as soon as possible. Written comments regarding the burden estimate or any other aspect of the collection may be submitted to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Mr. Robert B. Briggs, Department of Justice Clearance Officer, Systems Policy Staff/Information Resources Management/Justice Management Division, Suite 850, WCTR, Washington, DC 20530.

#### **Revision of a Currently Approved Collection**

(1) Application—Inspections Facilitation Program.

(2) Form I-823, I-832A, I-823B, I-823C, and I-823D. Immigration and Naturalization Service. United States Department of Justice.

(3) Primary: Individuals or households. Other: None. The information collected will be used to determine eligibility for automated inspections programs and to secure those data elements necessary to confirm enrollment at the time of application for admission to the United States.

(4) 500,000 annual respondents .5 hours per response.

(5) 250,000 annual burden hours.

(6) Not applicable under section 3504(h) of Pub. L. 96-511.

Public comment on this item is encouraged.

Dated: August 8, 1995.

**Kathleen T. Albert,**

*Acting Department Clearance Officer, United States Department of Justice.*

[FR Doc. 95-19950 Filed 8-11-95; 8:45 am]

BILLING CODE 4410-10-M

#### **Drug Enforcement Administration**

[Docket No. 95-3]

#### **Habit Management Institute, Inc.; Denial of Application**

On October 31, 1994, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Habit Management Institute, Inc., of Manchester, New Hampshire (Respondent), proposing to deny its application for DEA registration as a Narcotic Treatment Program (NTP) under 21 U.S.C. 823(g). The statutory basis for the Order to Show Cause was that Respondent was not authorized to dispense controlled substances in the State of New Hampshire, the state in which it proposed to operate.

Respondent, through counsel, requested a hearing on the issues raised

in the Order to Show Cause, and the matter was docketed before Administrative Law Judge Paul A. Tenney. On December 16, 1994, the Government filed a motion for summary disposition clarifying the Order to Show Cause and alleging, *inter alia*, that Respondent was not authorized to handle controlled substances in the State of New Hampshire, and, that Respondent lacked authority from the Food and Drug Administration of the Department of Health and Human Services (FDA), to operate an NTP. The Government's motion was supported by a letter from an FDA official informing Respondent that because the State of New Hampshire had denied its application to establish an NTP, the FDA was unable to approve its application. Respondent did not file a response to the Government's motion and did not deny that FDA has denied its application.

On January 30, 1995, the administrative law judge issued his conclusions of law and recommended ruling, recommending that Respondent's application for a DEA Certificate of Registration as an NTP be denied. On March 9, 1995, the administrative law judge transmitted the record to the Deputy Administrator. After a careful consideration of the record in its entirety, the Deputy Administrator, pursuant to 21 CFR 1316.67, enters his final order in this matter, based on the conclusions of law set forth herein.

Practitioners who dispense narcotic drugs as part of a maintenance treatment or detoxification treatment are required to obtain a separate DEA registration under 21 U.S.C. 823(g). Authorization from the FDA is a prerequisite to the granting of registration by DEA. 21 U.S.C. 823(g)(1). The administrative law judge found that FDA notified Respondent, in writing, that the FDA had not approved Respondent's NTP.

DEA does not have statutory authority under the Controlled Substances Act to register an NTP unless that entity is authorized by the FDA to dispense controlled substances. 21 U.S.C. 823(g). In a proceeding to obtain registration as an NTP, if the applicant does not possess the requisite FDA authorization to operate an NTP, a motion for summary disposition is properly entertained. *Rosalind A. Cropper, Inc.*, 60 FR 18143 (1995). It is well settled that where no question of fact exists, or where the material facts are agreed, a plenary administrative proceeding is not required. *Phillip E. Kirk, M.D.*, 48 FR 32887 (1983), *aff'd sub nom, Kirk v. Mullen*, 749 F.2d 297 (6th Cir. 1984).

Accordingly, the Deputy Administrator adopts the conclusions of law and recommended ruling of the administrative law judge in its entirety. Based on the foregoing, the Deputy Administrator of the Drug Enforcement Administration, pursuant to 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104, hereby orders that Respondent's application for DEA Certificate of Registration as an NTP be, and it hereby is, denied. This order is effective September 13, 1995.

Dated: August 7, 1995.

**Stephen H. Greene,**

*Deputy Administrator.*

[FR Doc. 95-19956 Filed 8-11-95; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 95-19]

#### **Derrick K. Mobley, M.D.; Revocation of Registration**

On December 14, 1994, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Derrick K. Mobley, M.D. of Philadelphia, Pennsylvania (Respondent), proposing to revoke his DEA Certificates of Registration, BM2550829, issued to him in Pennsylvania, and BM1810109, issued to him in New Jersey, and deny any pending applications for registration as a practitioner. The statutory basis for the Order to Show Cause was that Respondent's continued registration as a practitioner is not consistent with the public interest and that Respondent is no longer authorized to handle controlled substances in the Commonwealth of Pennsylvania or the State of New Jersey. 21 U.S.C. 823(f) and 21 U.S.C. 824(a)(3).

Respondent, *pro se*, requested a hearing on the issues raised in the Order to Show Cause, and the matter was docketed before Administrative Law Judge Mary Ellen Bittner. On March 9, 1995, the Government filed a motion for summary disposition alleging that Respondent was not authorized to handle controlled substances in either New Jersey or Pennsylvania, the jurisdictions in which he proposes to practice. Respondent did not file a response to the Government's motion, and did not deny that he had surrendered his New Jersey license and that his Pennsylvania license had been revoked. No evidentiary hearing was held on this matter as no questions of fact were to be resolved, only a question of law.

On May 15, 1995, the administrative law judge issued her opinion and

recommended decision, recommending that Respondent's DEA Certificates of Registration be revoked. No exceptions were filed by either party. On June 22, 1995, the administrative law judge transmitted the record to the Deputy Administrator. After a careful consideration of the record in its entirety the Deputy Administrator enters his final order in this matter, in accordance with 21 CFR 1316.67, based on conclusions of law as set forth herein.

Respondent voluntarily surrendered his license to practice medicine in New Jersey effective January 28, 1993. As part of the consent order signed with the New Jersey State Board of Medical Examiners (New Jersey Board), Respondent was ordered to deliver to the New Jersey Board his State and Federal controlled substances registrations. On December 28, 1994, the Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs, State Board of Medicine, issued an order revoking Respondent's license to practice medicine and surgery. Respondent did not deny that he was no longer authorized to handle controlled substances in Pennsylvania or New Jersey.

The DEA has consistently held that it does not have statutory authority under the Controlled Substances Act to register a practitioner unless that practitioner is authorized to dispense controlled substances by the state in which he proposes to practice. See *Lawrence R. Alexander, M.D.*, 57 FR 22256 (1992); *Bobby Watts, M.D.*, 53 FR 11919 (1988); *Robert F. Witek, D.D.S.*, 52 FR 4770 (1987). In such cases a motion for summary disposition is properly entertained. There is no need for a plenary evidentiary hearing since there are no questions of fact to be resolved by such a hearing. *Phillip E. Kirk, M.D.*, 48 FR 32887 (1983), *aff'd sub nom, Kirk v. Mullen*, 749 F.2d 297 (6th Cir. 1984); *Floyd A. Santner, M.D.*, 47 FR 51831 (1982). The administrative law judge found that, where Respondent is not currently authorized to practice medicine or perform surgery in either New Jersey or Pennsylvania, it is reasonable to infer, and Respondent did not deny, that he also is not authorized to handle controlled substances. Therefore, because Respondent is no longer authorized to handle controlled substances in the Commonwealth of Pennsylvania or the State of New Jersey, the Deputy Administrator cannot permit him to maintain DEA Certificates of Registration in those jurisdictions.

Accordingly, the Deputy Administrator of the Drug Enforcement

Administration, pursuant to 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104, hereby orders that DEA Certificates of Registration BM2550829 and BM1810109, previously issued to Derrick K. Mobley, M.D., be, and they hereby are, revoked, and that any outstanding applications for renewal of such registrations be, and they hereby are, denied. This order is effective September 13, 1995.

Dated: August 8, 1995.

**Stephen H. Greene,**

*Deputy Administrator.*

[FR Doc. 95-20020 Filed 8-11-95; 8:45 am]

BILLING CODE 4410-09-M

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Proposed Information Collection Request Submitted for Public Comment and Recommendations; Evaluation of Worker Profiling and Reemployment Services Systems; Survey of State Administrators

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA 95). This program helps to ensure that requested data can be provided in the desired format, reporting burden is minimized, reporting forms are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment and Training Administration is soliciting comments concerning the proposed new collection of the Survey of State Administrators for the Evaluation of Worker Profiling and Reemployment Services Systems. A copy of the proposed information collection request can be obtained by contacting the employee listed below in the contact section of this notice.

**DATES:** Written comments must be submitted on or before October 13, 1995. If you anticipate that you will be submitting written comments, but find it difficult to do so within the period of time allowed by this notice, you should request an extension from the contact listed below as soon as possible. An effort will be made to try to accommodate each request, unless otherwise justified.

**FOR FURTHER INFORMATION CONTACT:** Jon Messenger, U.S. Department of Labor, Employment and Training Administration, Unemployment Insurance Service, Room S-4519, 200 Constitution Avenue, N.W., Washington, D.C. 20210, (202) 219-5608.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The U.S. Department of Labor, Employment and Training Administration (ETA), has undertaken a major initiative to help the State implement effective Worker Profiling and Reemployment Services Systems, as required by the Unemployment Compensation Amendments of 1993, Public Law (P.L.) 103-152. The major goal of the WPRS initiative is to assist those unemployment insurance (UI) claimants who are at greatest risk of becoming unemployed to become reemployed by quickly referring them to reemployment services tailored to their individual needs.

ETA is conducting a comprehensive evaluation of the Worker Profiling and Reemployment Services (WPRS) initiative. This effort is designed to provide both:

(1) An evaluation of the operation and effectiveness of State WPRS systems, in accordance with P.L. 103-152, which mandates a report to the Congress by November 24, 1996, and

(2) A longer-range evaluation to provide an assessment of the operation and effectiveness of more mature State WPRS systems.

This Survey of State Administrators will obtain data for an implementation and process analysis of State WPRS systems. The survey will provide in-depth knowledge of each State's approach to implementing their WPRS system. This survey will also provide the data necessary for identifying distinct groupings or modes of States' operational approaches to Worker Profiling and Reemployment Services, which will be used in the effectiveness portion of the WPRS evaluation to compare the relative effectiveness different implementation approaches.

##### II. Current Actions

ETA proposes to conduct a Survey of State Administrators involved in designing and implementing WPRS systems. This includes administrators from the Unemployment Insurance (UI), Employment Service (ES), and Economic Dislocation and Worker Adjustment Assistance (EDWAA) programs. Within basic Federal guidelines, individual States have great